

COUNTY OF YORK

MEMORANDUM

DATE: February 7, 2002 (BOS Mtg. 2/19/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-590-02, Joseph Dufresne

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (category 11, number 7) of the Zoning Ordinance to authorize the establishment of a tattoo parlor within an existing shopping center located at 2719 George Washington Memorial Highway (Route 17). The property, located at the intersection of Route 17 and Rich Road, is zoned GB (General Business) and is further identified as Assessor's Parcel No. 36A (7)-1.

DESCRIPTION

- Property Owner: C. M. Ventures, LLC
- Location: 2719 George Washington Memorial Highway (Route 17)
- Area: Approximately 1,000 square feet of lease space within a 10,126-square foot strip commercial center
- Frontage: Approximately 200 feet on Route 17 and 225 feet on Rich Road
- Utilities: Public water; sanitary sewer available
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Vacant lease space
- Surrounding Development:
 - North: Beauty Shop/Tanning Salon (across Rich Road)
 - East: Ancient Art Tattoo (across Route 17)
 - South: Retail shops
 - West: Single family detached home
- Proposed Development: Tattoo parlor

CONSIDERATIONS/CONCLUSIONS

1. The applicant currently operates a tattoo parlor (Ancient Art Tattoo) located at 2720 George Washington Memorial Highway (Route 17) and wishes to relocate the business to a small shopping center, which is directly across Route 17 from the existing business at the Rich Road intersection. The applicant proposes to lease space in this shopping center. The property is zoned GB – General Business and is designated for General Business uses by the Comprehensive Plan.
2. The applicant has been in operation at the current location at 2720 George Washington Memorial Highway (Route 17) for almost two decades. As part of the relocation, the applicant plans to close the existing business and market the property for redevelopment after opening at the new location. The new location will be adjacent to the 7-Eleven store, which is part of the shopping center complex. The proposed lease space in the shopping center is approximately 1,000 square feet. Other than the relocation of the business, there are no plans to make any changes to the nature of the operation.
3. The Zoning Ordinance does not have specific performance standards regarding the operation of tattoo parlors. The Virginia Health Department is the primary regulatory agency for this type of operation and the applicant is fully aware of the need to comply with Health Department requirements. Nevertheless, a condition to this effect is included in the proposed approving resolution.
4. Since the Planning Commission hearing on this application, staff has been advised of a concern expressed by some of the neighbors and patrons of the shopping center about the potential visibility of tattoo applications through the storefront window. Accordingly, in response to this concern, I am proposing the addition of a condition (No. 3 in proposed Resolution No. R02-18) which would require all tattoo applications to be conducted behind a privacy screen so as to not be visible to persons looking into the establishment through the storefront window.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on January 9, 2002, and, subsequent to conducting a public hearing at which only the applicant spoke, voted 7:0 to recommend approval.

RECOMMENDATION

The applicant has operated his existing tattoo parlor successfully for almost twenty years with no reported complaints, and there is no reason to believe that the applicant's new location will be operated in a different manner. Furthermore, relocating the business to an existing commercial center across Route 17 will allow the business to continue – in a less visible location with no freestanding signage – while making it possible for the current site to be marketed and redeveloped for other uses allowable under its GB-General

Business zoning classification. Therefore, based on the considerations and conclusions outlined above, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution R02-18.

Carter/3337

Attachments

- Excerpts of Planning Commission minutes of January 9, 2002
- Zoning Map
- Site Map
- Proposed Resolution No. R02-18